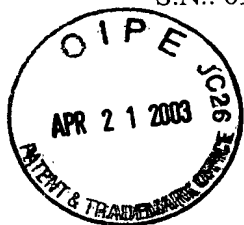


Attorney Docket: 65816-0004  
S.N.: 09/978,377

4-7/Barber  
Rec'd  
T. 2/26/03  
4-24-03



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
M. WALLACH ) Group Art Unit: 2855  
Serial No.: 09/978,377 ) Examiner: M. Ferguson  
Filed: October 16, 2001 )  
For: TIRE PRESSURE INDICATION SYSTEM ) Attorney Docket: 65816-0004

Commissioner for Patents  
Box AF  
Washington, D.C. 20231

TECHNOLOGY CENTER 2800

APR 23 2003

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
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with sufficient postage as first class mail, in an envelope	to Examiner _____ at _____
addressed to the Assistant Commissioner of Patents, Washington, DC 20231	
Date: <u>April 15, 2003</u>	Signature <u>Julie A. Barber</u> Julie A. Barber

**REQUEST FOR RECONSIDERATION**

Honorable Sir:

This is a response to the final Office action dated December 26, 2002 (Paper No. 5), the shortened statutory period for response being effectively extended to April 28, 2003 by the enclosed one-month Petition For Extension Of Time. Claims 1-15 are pending in the application. Favorable reconsideration is respectfully requested in light of the following Remarks.

1. The Office action rejects Claims 1, 3-8 and 10-15 under 35 USC §103(a) over

Lapohn (U.S. Patent No. 5,770,797, hereinafter "Lapohn") in view of Fordyce (U.S. Patent No. 4,646,673, hereinafter "Fordyce"). The rejection is respectfully traversed.

Independent Claims 1, 8 and 15 specify, *inter alia*, an air pressure measuring system comprising a bracket structure mounted to an inside surface of a wheel assembly.

Lapohn discloses a tire pressure indication system in which the valve assemblies 18 are fastened to the rear side of a hub cap 20. *See Figs. 1, 1A, 6 and 7; col. 3, lines 45-50.* Applicant agrees with the Office action that there is no mention in Lapohn of a bracket structure that is mounted to the inside surface of the wheel assembly by using adhesive tape. *See Paragraph 2.*

Fordyce discloses a device for indicating low tire pressure. Specifically, two devices 1 are mounted to the outwardly facing rear rim 3 of the outer tire 2a of the pair of tires 2a, 2b. *See Fig. 2; col. 3, lines 59-66.*

It is respectfully submitted that there is no mention in Fordyce of at least the feature of a bracket structure mounted to an inside surface of a wheel assembly, as recited in Claims 1, 8 and 15. Contrary to the Office action, the device 1 is mounted to an outwardly facing rear rim 3 as shown in Figure 2 of Fordyce, not to the inside surface of the wheel assembly, as shown in Figures 1 and 2 of the specification.

Mounting the air pressure indication system of the invention to the inside surface of the wheel assembly provides a commercial advantage over the Fordyce arrangement. In particular, in Fordyce, the air gauge protrudes from the wheel assembly, as shown in Figure 4. As a result, the air gauge can become dislocated from the wheel assembly in the event the outer rim of the wheel assembly scrapes against a rigid structure, such as a curb, or the like. By contrast, one of the advantages of the air pressure indication system of the invention being mounted to the inside of the wheel assembly is to prevent the dislocation of the indication system in the event the wheel rim scrapes against a curb, or the like.

Because the combination of Lapohn and Fordyce does not disclose, teach or suggest all the claim limitations, as recited in Claims 1, 8 and 15, the Office action fails to establish a *prima facie* case of obviousness. *See MPEP §2143.*

For at least this reason, Claims 1, 8 and 15 are allowable over the applied art. Claims 3-7, which depend from Claim 1, and Claims 9-14, which depend from Claim 8, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. The Office action also rejects Claims 2 and 9 under 35 USC §102(b) over Lapohn and Fordyce, and further in view of Evans et al. (U.S. Patent Application Publication 2002/0139288 A1, hereinafter "Evans"). The rejection is respectfully traversed.

Applicant agrees with the Office action that there is no mention in Lapohn of the feature of a bracket structure that is mounted to an inside surface of a wheel assembly by using adhesive tape.

The filing date of Evans is March 20, 2001. The effective filing date of the present application is October 30, 2000. Thus, Evans is not prior art.

For at least this reason, Claims 2 and 9 are allowable over the applied art. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Ferguson believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,



Peter J. Rashid, Reg. No. 39,464  
Rader, Fishman & Grauer PLLC  
39533 Woodward Ave., Suite 140  
Bloomfield Hills, Michigan 48304  
Attorney for Applicant

Telephone No. (248) 594-0624

Customer No. 010291

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		<b>Application Number</b>	09/978,377
		<b>Filing Date</b>	October 16, 2001
		<b>First Named Inventor</b>	Mark K. Wallach
		<b>Group Art Unit</b>	2855
		<b>Examiner Name</b>	M. Ferguson
<b>Total Number of Pages in This Submission</b>	1	<b>Attorney Docket Number</b>	65816-0004

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)  Request For Reconsideration
<b>Remarks</b>		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	RADER, FISHMAN & GRAUER PLLC Peter J. Rashid
Signature	
Date	April 15, 2003

Transmittal	
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Dated: April 15, 2003	Signature: <u>Julie A. Barber</u> (Julie A. Barber)

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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/978,377-Conf. #4186
Filing Date	October 16, 2001
First Named Inventor	Mark K. Wallach
Examiner Name	M. Ferguson
Group Art Unit	2855
Attorney Docket No.	65816-0004

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 55.00

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

18-0013

Deposit Account Name

Rader, Fishman & Grauer PLLC

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	..** =	x	=
Multiple Dependent	..** =	x	=

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee of cover sheet.
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 55.00

### SUBMITTED BY

Name (Print Type) Peter J. Rashid

Registration No. (Attorney/Agent)

39,464

### Complete (if applicable)

Telephone (248) 594-0624

Signature

Date

April 15, 2003

### Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: April 15, 2003

Signature:

*Julie A. Barber*

(Julie A. Barber)

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